

**OPINION**  
**53-62**

June 22, 1953            (OPINION)

INSTITUTIONS

RE: Appropriation - Permanent Improvements - What Constitutes

This office acknowledges receipt of your communication of June 18, 1953, requesting an opinion as to whether or not items 3 and 6 under "improvements and repairs" as contained in chapter 86 of the 1949 Session Laws are such items as will qualify under chapter 321 of the 1949 Session Laws in this that the said chapter provides that appropriations made for buildings, additions to buildings and permanent improvements for your institution shall not be transferred to the general fund at the end of the biennium, but shall constitute a permanent fund available for use for the designated purposes until expended.

On May 29, 1953, this office rendered an opinion to the Honorable R.H. Sherman, chairman of the board of administration, interpreting the designation "permanent improvement" and we therein held that the items listed in the appropriations for the state hospital at Jamestown under the law would be considered permanent improvements and would qualify under chapter 321 cited above. It is further our opinion in connection with your institution that the items which you have listed, to-wit: "Slaughter House, \$2,000.00", "Septic Tank for Sanitary Sewer, \$1,600.00" must be considered permanent improvements and qualify under said chapter 321 of the 1949 session laws and must be kept intact and expended for the purpose for which they were appropriated.

We are enclosing herewith a copy of the opinion rendered on May 29, 1953, and we confirm the said opinion and further hold that the interpretation therein may apply in your case.

ELMO T. CHRISTIANSON

Attorney General